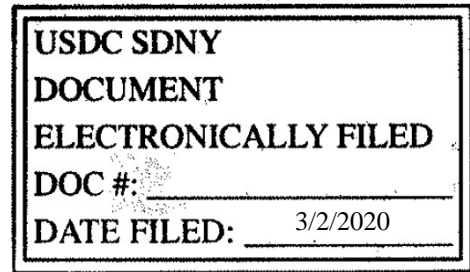


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
LAWRENCE BEALER,

Plaintiff,

- against -

ANDREW SAUL, |
Commissioner of Social Security,

Defendant.
-----X

18-CV-10483 (VSB) (KHP)

OPINION & ORDER

Appearances:

Richard Blake Seelig
Seelig Law Office, LLC
New York, New York
Counsel for Plaintiff

Joseph Anthony Pantoja
United States Attorney's Office, SDNY
New York, New York
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

Plaintiff Lawrence Bealer brings this action seeking judicial review of the final decision of the Commissioner of Social Security ("Defendant"),¹ that Plaintiff was not disabled under sections 2016(i) and 223(d) of the Social Security Act ("Act"), 42 U.S.C. § 405(g). On November 15, 2018, I referred this case to Magistrate Judge Parker. (Doc. 4).

On August 8, 2019, the parties filed a joint motion for Judgment on the Pleadings. (Doc. 16). Before me is Judge Parker's December 23, 2019, Report and Recommendation, which recommends motion be granted and that Defendant's motion be denied. (Doc. 19).

¹ Commissioner of Social Security Andrew Saul is automatically substituted for defendant Nancy A. Berryhill pursuant to Fed. R. Civ. P. 25(d).

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that “the parties shall have fourteen (14) days to file written objections to this Report and Recommendation,” (Doc. 19, at 33), neither party has filed an objection, or sought an extension of time to file an objection. I have reviewed Judge Parker’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

CONCLUSION


Accordingly, it is:

ORDERED that Plaintiff’s motion for judgment on the pleadings is GRANTED and Defendant’s motion is DENIED, and the action is remanded for further proceedings, consistent with the Report and Recommendation.

The Clerk’s Office is respectfully directed to enter judgment remanding this case to the Commissioner of Social Security.

SO ORDERED.

Dated: March 2, 2020
New York, New York


Vernon S. Broderick
United States District Judge